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Insights: In the News

Dennis Wilson Named One of Daily Journal's 2018 Top Intellectual Property Lawyers

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TOP INTELLECTUAL PROPERTY LAWYERS 2018

Dennis L. Wilson

FIRM	CITY	SPECIALTY
Kilpatrick Townsend & Stockton LLP	Beverly Hills and San Francisco	Litigation

The fight in the ring between light-middleweights Floyd Mayweather Jr. and Conor McGregor was 10 days off last August when Wilson launched a heavyweight punch in the courtroom. The Kilpatrick Townsend partner's target for client Showtime Networks Inc.: 44 websites allegedly planning to unlawfully stream Showtime's copyrighted live coverage of the championship boxing match.

With vast sums at stake — Mayweather alone was guaranteed a $100 million purse — Wilson sought emergency relief in the form of a temporary restraining order and a preliminary injunction to squelch the anticipated piracy.

He stood on slightly obscure legal ground. "You're asking for an injunction before the fight," he said. "Under current law, you own the work only when it exists. There is a provision in the Copyright Act [the Live Broadcast Exemption, section 411(c)] that covers our situation, but it is seldom used."

Wilson's research showed that the pirates were employing the search engine optimization technique known as keyword stuffing, using event-specific keywords like "Mayweather," "McGregor,"



"online" and "live stream" to boost their sites toward the top of Google's and other engines' pages.

U.S. District Judge Andre Birotte Jr. of Los Angeles agreed to try to stop the piracy in advance, approving a preliminary injunction forbidding the sites' operators from illegally streaming the fight. *Showtime Networks Inc. v. Doe*, 17-CV6041 (C.D. Cal., filed Aug. 15, 2017).

"We have a lot of experience with live sporting event piracy," Wilson said. He had the injunction, but his work wasn't over. "We sent the order to the internet service providers involved. But the pirates changed ISPs."

Fight night arrived. "We were pretty busy that Saturday. We had people all over the country monitoring and searching and communicating with service providers. It took a village to catch 'em all, but we did it."

Wilson knows he's battling a social phenomenon as well as pirates. "People expect to see whatever content they want whenever and on whatever device — for free," he said. The pressure for piracy grows when pay-per-view prices rise toward $100, as with the Mayweather-McGregor fight.

A boxing fan himself, Wilson watched Mayweather overcome McGregor by a technical knockout in the 10th round. "I saw it live on a computer screen even as I was looking for pirate feeds," he said. "But I bought and paid for the fight at home, so I could record it and watch in good quality the next day."

— John Roemer

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